



25267

PATENT TRADEMARK OFFICE

2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, Indiana 46204
(317) 684-5000

DAE

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: 8266-0738
Applicants: Borders et al.
Invention: COMMUNICATION AND
DATA ENTRY DEVICE
Serial No.: 10/039,342
Filed: November 19, 2001
Examiner: Unknown

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in an
envelope addressed to: Assistant Commissioner for Patents,
Washington, D.C. 20231

on February 25, 2002

Timothy E. Niednagel

jc978 U.S. PRO
10/039342
11/19/01

REQUEST FOR CORRECTION OF FILING DATE AND FILING RECEIPT

Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

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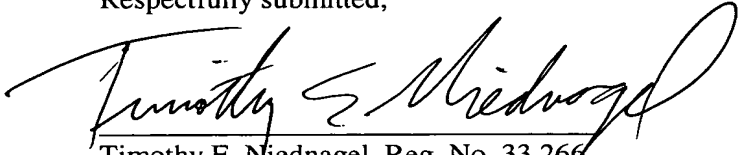
Dear Sir:

A copy of the Filing Receipt for the above-identified application is attached. The filing receipt has an incorrect filing date. A corrected filing receipt is requested.

Due to a mail emergency on November 19, 2001, the USPS Airport Mail Center in Indianapolis, Indiana refused to accept the deposit of mail for delivery by Express Mail service. Therefore, Applicants followed the filing procedure set forth in an Official Gazette notice regarding United States Postal Service interruptions contained in the October 9, 2001 Official Gazette. A copy of the Official Gazette notice is attached. Specifically, Applicants mailed the application by first class mail along with a required statement from Norman J. Hedges, the person who originally attempted to deposit the correspondence with the USPS by Express Mail. A copy of the statement is attached. The statement indicates the date on which the person attempted to deposit the correspondence with the USPS and that the USPS refused to accept the correspondence. The correspondence was then mailed using the special box designation "Box Filing Date" as indicated in the October 9, 2001 Official Gazette notice.

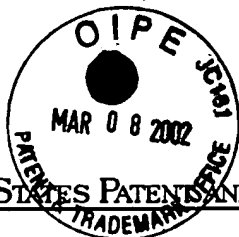
In view of the foregoing, Applicants request a filing date of November 19, 2001 for the present application. Please change the filing date from "01/08/2002" to "11/19/2001" and send a corrected filing receipt to us.

Respectfully submitted,



Timothy E. Niednagel, Reg. No. 33,266

TEN:kyb
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(317) 684-5281
::ODMA\HODMA\DT1;265138;1



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/039,342	01/08/2002 11/19/2001	2632	1214	8266-0738	5	37	5

CONFIRMATION NO. 1486

FILING RECEIPT



OC000000007424762

Timothy E. Niednagel
Bose McKinney & Evans LLP
Suite 2700
135 N. Pennsylvania Street
Indianapolis, IN 46204

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FEB 11 2002

BOSE MCKINNEY & EVANS

Date Mailed: 02/06/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Richard L. Borders, Cincinnati, OH;
Richard H. Heimbrock, Cincinnati, OH;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/187,696 11/06/1998
WHICH CLAIMS BENEFIT OF 60/064,709 11/07/1997

Foreign Applications

If Required, Foreign Filing License Granted 02/05/2002

Projected Publication Date: 05/16/2002

Non-Publication Request: No

Early Publication Request: No

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Title

Communication and data entry device

Preliminary Class

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES POSTAL SERVICE INTERRUPTIONS

UNITED STATES POSTAL SERVICE
INTERRUPTION AND EMERGENCY

The United States Postal Service (USPS) has informed the United States Patent and Trademark Office (USPTO) that as a result of the tragic event in New York City on September 11, 2001, all post offices in the borough of Manhattan are closed on September 12, 2001. These post offices will remain closed until further notice.

The USPTO is designating the interruption in the service of the USPS in the borough of Manhattan as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a). Accordingly, the USPTO will consider the provisions of 37 C.F.R. 1.6(e) as now in effect. As soon as the USPTO receives further information from the USPS as to when postal services in the borough of Manhattan will be resumed, the USPTO will post the information on the USPTO website at www.uspto.gov and a final notice will be published in the Official Gazette regarding the postal interruption in New York City.

It would be appreciated if members of the public would bring to the USPTO's attention any other post office closings related to current events. Such information can be brought to the USPTO's attention by contacting Eugenia Jones by e-mail at eugenia.jones@uspto.gov or telephone at 703-306-5586, or by contacting Carol Smith by e-mail at carol.smith@uspto.gov or by telephone at 703-308-8910 (ext 149).

UNITED STATES POSTAL SERVICE INTERRUPTIONS
RELATING TO EXPRESS MAIL SERVICE

Where the USPS refuses to accept the deposit of mail for delivery by express mail.

In some cases, due to the recent emergency, certain post offices are refusing to accept the deposit of mail for delivery by Express Mail service. The USPTO is also designating this interruption in the Express Mail service of the USPS as a postal service interruption within the meaning of 35 U.S.C. 21(a) and 37 C.F.R. 1.6(e). In addition, if a party attempts to deposit correspondence for delivery to the USPTO with the USPS by Express Mail under 37 CFR 1.10 ("Express Mail Post Office to Addressee") and the USPS refuses to accept such correspondence, the party is advised to take the following action: mail the correspondence to the USPTO by registered or first class mail with a statement by the person who originally attempted to deposit the correspondence with the USPS by Express Mail. The statement must indicate the date on which the person attempted to deposit the correspondence with the USPS and that the USPS refused to accept the correspondence. The statement must be signed in accordance with 37 CFR 10.18. The correspondence should be mailed as set out in 37 CFR 1.1(a) and include the special box designation: BOX FILING DATE.

Where mail is put into an Express Mail "Drop Box" and given an incorrect "date in".

In some cases a person may use an Express Mail "drop box" without realizing that the local post office is not accepting Express Mail. In that situation, the provisions of 37 CFR 1.10(d) may apply. Usually 37 CFR 1.10(d) is invoked where correspondence is placed in an Express Mail "drop box" prior to the last pick up that is scheduled for the drop box for that day, but the USPS enters an incorrect "date-in" on the Express Mail mailing label, usually the next day's date. To invoke 37 CFR 1.10(d), however, a petition must be corroborated either by evidence from the USPS or by evidence that came

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into being after deposit and within one business day of the deposit of the correspondence in the Express Mail drop box (e.g., a copy of a log book indicating that the correspondence was deposited on the date in question). See MPEP 513 and TMEP 702.02(e).

Alternative Procedure Invoking "Extraordinary Circumstances"

If a party can demonstrate that due to extraordinary circumstances the above procedures could not be followed, it will be necessary to file a petition under 37 C.F.R. 1.183 (patent matter) or 2.146(a)(5) and 2.148 (trademark matter) to waive the requirements of 37 C.F.R. 1.10 to permit the USPTO to accord the correspondence a filing date as of the date that Express Mail deposit was attempted. Such a petition must be accompanied by a statement by the person who originally attempted to deposit the correspondence with the USPS by Express Mail, stating the date that the deposit was attempted and that the USPS refused to accept the correspondence, and be signed by such person subject to the conditions prescribed in 37 CFR 10.18.

Certificates of Mailing Under 37 CFR 1.8

Parties submitting correspondence to the USPTO are reminded that 37 CFR 1.8 (certificate of mailing or transmission practice) does not provide for according a filing date as of the date of deposit with the USPS to correspondence submitted under 37 CFR 1.8. Therefore, it would be inappropriate to file a petition under 37 CFR 1.183 or 2.146(a)(5) and 2.148 to waive the requirements of 37 CFR 1.8.

September 13, 2001

NICHOLAS P. GODICI
Acting Under Secretary of
Commerce for Intellectual Property and
Acting Director of the United States
Patent and Trademark Office



BOSE McKINNEY & EVANS LLP

2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, Indiana 46204
(317) 684-5000

STATEMENT REGARDING EXPRESS MAILING UNDER 37 C.F.R. 1.10

Express Mail Label Number: EL592237724US

Date of Deposit: November 19, 2001

I hereby certify that I attempted to deposit the enclosed papers and fees with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above addressed to Commissioner for Patents, Washington, D.C. 20231. However, the USPS Airport Mail Center in Indianapolis, Indiana refused to accept the deposit of mail for delivery by express mail on that date. Therefore, pursuant to the Notice regarding UNITED STATES POSTAL SERVICE INTERRUPTIONS in the Official Gazette dated October 9, 2001, this correspondence is being mailed on the above-cited date to the USPTO by first class mail addressed to: Commissioner for Patents, Washington, D.C., with the special box designation of BOX FILING DATE. A filing date for the enclosed application of November 19, 2001 is respectfully requested.

Respectfully submitted,

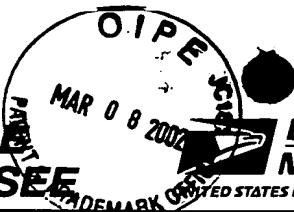
BOSE McKINNEY & EVANS LLP


Norman J. Hedges

Enclosures
(317) 684-5000

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EL592237724US

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Mailing Label
Label 11-F July 1997

950,
F02
F12

**POST OFFICE
TO ADDRESSEE**

ORIGIN (POSTAL USE ONLY)		
0 ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
State In	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$
No. Day Year	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
<input type="checkbox"/> AM <input type="checkbox"/> PM	Int'l Alpha Country Code	COD Fee Insurance Fee
lbs. ozs.	Acceptance Clerk Initials	Total Postage & Fees \$
<input type="checkbox"/> Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		

DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Signature of Addressee or Agent		
X		
Name - Please Print		
X		

CUSTOMER USE ONLY
METHOD OF PAYMENT:
Business Mail Corporate Acct. No. **X462955 66-0738**

☐ **WAIVER OF SIGNATURE** (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.
NO DELIVERY ☐ Weekend ☐ Holiday Customer Signature

FROM: (PLEASE PRINT) PHONE (317) 684-5243
Brenda Vandever
BOSE MCKINNEY & EVANS
135 N PENNSYLVANIA ST STE 2700
INDIANAPOLIS IN 46204-4407
8266-0738

TO: (PLEASE PRINT) PHONE ()
COMMISSIONER FOR PATENTS
WASHINGTON DC 20231-0001
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